IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMM. FOR JUDGMENT NO. 713 OF 2003

IN

SUMM.SUIT NO.1506 OF 2003

Ramesh Odhavji Mehta ... Plff

versus

Vijay Pravin Kachalia .. Deft

Mr V.J.Shah i.b D.Mehta for Plff

Mr P.M.Shah for Deft

CORAM : D.G. KARNIK, J

DATED : 25th April 2005.

P.C:-

1. Heard learned counsel for the parties. Learned counsel for the parties state that the facts in this Summons for Judgment are identical with the facts in Summons for Judgment No. 712 of 2003 except that in this case the plaintiff is the father of the plaintiff in Summons for Judgment No.712 of 2003. Hence, for reasons recorded in Summons for Judgment No. 712 of 2003, the defendant is granted conditional leave to

defend the suit subject to his depositing in court Rs.2,15,000/- within four weeks. On such deposit, the plaintiff is permitted to withdraw the said sum by furnishing security to the satisfaction of the Prothonotary and Senior Master. On failure of the defendant to deposit the amount, the plaintiff shall have the liberty to withdraw. On deposit of the said sum, suit shall stand transferred to the list of commercial causes. The defendant to file the written statement within six weeks.

D.G.KARNIK, J